CASE 0:19-cv-00852-PAM-HB Doc. 1-1 Filed 03/26/19 Page 1 of 7 EXHIBIT A

STATE OF MINNESOTA	DISTRICT COURT
COUNTY OF RAMSEY	SECOND JUDICIAL DISTRICT
Jillian Anderson,	
Plaintiff,	SUMMONS
v.	SUMMONS
Midwest Fidelity Services, LLC.	Court File No
Defendant.	

THIS SUMMONS IS DIRECTED TO THE ABOVE-NAMED DEFENDANT(S)

- 1. YOU ARE BEING SUED. The Plaintiff has started a lawsuit against you. The Plaintiff's Complaint against you is attached to this summons. Do not throw these papers away. They are official papers that affect your rights. You must respond to this lawsuit even though it may not yet be filed with the Court and there may be no court file number on this summons.
- 2. YOU MUST REPLY WITHIN 20 DAYS TO PROTECT YOUR RIGHTS.

 You must give or mail to the person who signed this summons a written response called an Answer within 20 days of the date on which you received this Summons.

 You must send a copy of your Answer to the person who signed this summons located at:

WALKER & WALKER LAW OFFICES, PLLC ATTN: Bennett Hartz 4356 Nicollet Avenue South Minneapolis, MN 55409

3. YOU MUST RESPOND TO EACH CLAIM. The Answer is your written response to the Plaintiff's Complaint. In your Answer you must state whether you

agree or disagree with each paragraph of the Complaint. If you believe the Plaintiff should not be given everything asked for in the Complaint, you must say so in your Answer.

RESPONSE TO THE COMPLAINT TO THE PERSON WHO SIGNED THIS SUMMONS. If you do not Answer within 20 days, you will lose this case. You will not get to tell your side of the story, and the Court may decide against you and award the Plaintiff everything asked for in the complaint. If you do not want to

YOU WILL LOSE YOUR CASE IF YOU DO NOT SEND A WRITTEN

contest the claims stated in the complaint, you do not need to respond. A default

judgment can then be entered against you for the relief requested in the complaint.

- 5. **LEGAL ASSISTANCE.** You may wish to get legal help from a lawyer. If you do not have a lawyer, the Court Administrator may have information about places where you can get legal assistance. Even if you cannot get legal help, you must still provide a written Answer to protect your rights or you may lose the case.
- 6. **ALTERNATIVE DISPUTE RESOLUTION.** The parties may agree to or be ordered to participate in an alternative dispute resolution process under Rule 114 of the Minnesota General Rules of Practice. You must still send your written response to the Complaint even if you expect to use alternative means of resolving this dispute.

Date: February 22, 2019

4.

/s/ Bennett Hartz

Andrew C. Walker #392525
Bennett Hartz #393136
Walker & Walker Law Offices, PLLC
4356 Nicollet Avenue South
Minneapolis, MN 55409
(612) 824-4357
Attorneys for Jillian Anderson

CASE 0:19-cv-00852-PAM-HB Doc. 1-1 Filed 03/26/19 Page 3 of 7 EXHIBIT A

STATE OF MINNESOTA	DISTRICT COURT
COUNTY OF RAMSEY	SECOND JUDICIAL DISTRICT
Jillian Anderson,	
Plaintiff,	
ν.	COMPLAINT Court File No
Midwest Fidelity Services, LLC,	
Defendant	

- Plaintiff Jillian Anderson initiates this action based on the violation of the Fair
 Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 et seq., by Midwest
 Fidelity Services, LLC ("Debt Collector").
- 2. Debt Collector falsely represented that Anderson owed a debt which was discharged in bankruptcy.

PARTIES, JURY TRIAL, AND VENUE

- Anderson is a natural person residing in Hennepin County and is a "consumer" as defined by the FDCPA. 15 U.S.C. § 1692a(3).
- 4. Debt Collector is a Kansas limited liability company with a registered address of 2345 Rice Street, Suite 230, Roseville, MN 55113. Debt Collector's principal business and purpose is the collection of debts, making it a "debt collector" as defined by the FDCPA. 15 U.S.C. § 1692a(6).
- 5. Anderson demands a trial by jury to the extent available under US Const. Amend.7; Minn. R. Civ. P. 38.01.

 Venue is proper because Debt Collector's registered Minnesota address is located in Ramsey County.

FACTS

- 7. Anderson filed a petition for Chapter 7 bankruptcy relief on July 30, 2018. See

 Minn. Bankr. Court File No. 18-42435.
- Anderson's bankruptcy petition listed a debt owed to Sunshine Doctor Group,
 LLC, and it received direct notice at the time of her filing.
- 9. Anderson received a standard discharge of her debts on October 29, 2018.
- 10. Despite this discharge, Sunshine Doctor Group attempted to collect its debt from Anderson in a letter dated November 25, 2018.
- 11. On November 27, 2018, Anderson, through counsel, sent Sunshine Doctor Group an additional notice of her bankruptcy discharge.
- 12. Sunshine Doctor Group Debt Collector then hired Debt Collector to pursue Anderson.
- 13. Debt Collector sent Anderson a collection letter dated January 29, 2019 attempting to collect the discharged Sunshine Doctor Group debt. See collection letter attached as EXHIBIT A.

COUNT I: MISREPRESENTATION OF CHARACTER, AMOUNT, AND LEGAL STATUS OF DEBT

- 14. Anderson incorporates all other allegations as if set forth herein in full.
- 15. The FDCPA prohibits collectors from misrepresenting a debt's "character, amount, or legal status:"
 - "A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following

conduct is a violation of this section: . . . The false representation of . . . the character, amount, or legal status of any debt " 15 U.S.C. § 1692e(2)(A).

16. The FDCPA prohibits collectors from using false representations or deceptive means to collect a debt:

"A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section: . . . The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer." 15 U.S.C. § 1692e(10).

- 17. Debt Collector violated §§ 1692e(2)(A) and 1692e(10) by soliciting payment from Anderson for a debt that Anderson no longer owed.
- 18. Debt Collector's misrepresentation materially misled Anderson as to her rights under the Bankruptcy Code and her obligations to her creditors.
- 19. Anderson has been forced to hire legal counsel to address Debt Collector's failure to comply with the FDCPA.
- 20. The FDCPA provides the following remedies for its breach:
 - "[A]ny debt collector who fails to comply with any provision of this title with respect to any person is liable to such person in an amount equal to the sum of—(1) any actual damage sustained by such person as a result of such failure; (2) . . . such additional damages as the court may allow, but not exceeding \$1,000 . . . [and (3)] the costs of the action, together with a reasonable attorney's fee as determined by the court." 15 U.S.C. § 1692k(a).
- 21. Anderson is entitled to actual damages in an amount to be determined at trial, statutory damages of \$1,000.00, the costs of this action, and reasonable attorney's fees from Debt Collector in an amount to be determined by the court under 15 U.S.C. § 1692k.

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RELIEF REQUESTED

Anderson requests an Order for the following relief:

- Judgment in favor of Jillian Anderson and against Midwest Fidelity Services,
 LLC for actual damages in an amount to be determined at trial, \$1,000 in statutory damages, the costs of this action, and a reasonable attorney's fee under 15 U.S.C.
 § 1692k.
- 2. Interest accruing from commencement of this action at 4% for awards up to \$50,000.00, or at 10% for awards over \$50,000.00, under Minn. Stat. § 549.09.
- 3. All other relief the Court deems just and equitable.

Date: February 22, 2019 /s/ Bennett Hartz

Andrew C. Walker #392525
Bennett Hartz #393136
Walker & Walker Law Offices, PLLC
4356 Nicollet Avenue South
Minneapolis, MN 55409
(612) 824-4357
Attorneys for Jillian Anderson

Acknowledgement

The plaintiff, by her attorney, acknowledges that sanctions may be imposed under Minn.

Stat. § 549.211.

Date: February 22, 2019 /s/ Bennett Hartz

Bennett Hartz #393136

EXHIBIT A

Midwest Fidelity Services, LLC

103 S. Main St.

Ottawa KS 66067

1-844-709-4897

January 29, 2019

JILLIAN ANDERSON

DAYTON MN 55327-9581

Account: 4131

Client: TREATMENT MANAGEMENT

COMPANY, LLC

Facility: SUNSHINE DOCTORS GROUP, LLC

Patient: ANDERSON, JILLIAN Original Acct#: 48/1 Balance: \$10,297.60

Dear JILLIAN ANDERSON,

Our agency has been retained for collections on your account with TREATMENT MANAGEMENT COMPANY, LLC. Our records indicate you may have received an insurance reimbursement check. It is important that you endorse this payment properly to Midwest Fidelity Services, LLC or Treatment Management Company, LLC with your signature. If these funds have been deposited please call 844-709-4897 to make arrangements to remit payment.

There may also be a patient portion after insurance please contact our office to make arrangements.

Please see below for instructions to request validation of this debt.

We recommend that you take advantage of this opportunity to resolve this balance to prevent further collection efforts. Please remit a copy of this letter with your payment to the address listed above.

Visit us on the web or you can pay online: www.midwestfidelity.com

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of this debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days after receiving this notice that you dispute the validity of this debt or any portion of it, this office will obtain verification of the debt or obtain a copy of a judgment and mail you a copy of such judgment or verification. If you request of this office in writing within 30 days after receiving this notice this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt, by a debt collector, any information obtained will be used for that purpose.

*** Detach Lower Partion And Return With Payment ***

2803-GCMFSL10-A1050-10/18/10

Linden MI 48451-0505 ADDRESS SERVICE REQUESTED

01/29/2019

IF YOU WISH TO PAY BY CREDIT CARD, CIRCLE ONE AND FILL IN THE INFORMATION BELOW. DISCOVER VISA CARD NUMBER EXP. DATE CARD HOLDER NAME SIGNATURE AMOUNT PAID

Reference #: Account Number: 1014131 Total Balance Due: \$10,297.6

6008120024010352455455327958191-1YA1-Y2269A16CS 2803

A1080 - 2803

JILLIAN ANDERSON

DAYTON MN 55327-9581

իկահիսակականուն անականի անկանի Midwest Fidelity Services, LLC 103 S. Main St. Ottawa KS 66067-2327

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